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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14  
15 UNITED STATES OF AMERICA,

Case No. CR 06-0030 JSW

16 Plaintiff,

17 vs.  
18 STIPULATION AND ORDER (PROPOSED)  
19 DENYING REQUEST FOR  
20 CONTINUANCE

21 NANCY PUA, Et Al.,

22 Defendants.  
23

24 ~~With the agreement of the parties, the Court enters this order (a) setting a new hearing date  
25 for November 2, 2006 at 2:30 p.m. and (b) excluding time under the Speedy Trial Act from  
September 28, 2006 to November 2, 2006.~~

26 ~~1. This is a complex case involving more than 16,000 pages of discovery, 12 seized  
27 computers and two hard drives. Defense counsel's review of this discovery is ongoing and time-  
consuming. (See attached declaration of counsel).~~

28 ~~2. Also, counsel have been discussing various motions and have begun settlement  
negotiations with the Assistant United States Attorney assigned to this case.~~

~~3. November 2, 2006 is the next available date for the undersigned counsel, given the  
existence of previously-scheduled conflicts.~~

4. The parties agree and the Court finds and holds, that the time from September 28, 2006 to November 2, 2006 should be excluded under the Speedy Trial clock. Failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. section 3161(h)(8)(B)(iv).

5. The parties also agree and the Court finds and holds that failure to grant a continuance would unreasonably deny the parties continuity of counsel based on the existence of previously-scheduled case conflicts.

6. The parties agree, and the Court finds and holds, that the ends of justice served by excluding time from September 28, 2006 to November 2, 2006 outweigh the interest of the public and the defendants in a speedy trial within the meaning of 18 U.S.C. section 3161(h)(A).

7. Accordingly, the Court (a) sets a new hearing date of November 2, 2006 at 2:30 p.m. and (b) orders that the period from September 28, 2006 to November 2, 2006 be excluded from the Speedy Trial Act calculations under 18 U.S.C. section 3161(h)(8)(A) & (B)(I) & (iv).

IT IS SO ORDERED.

DATED:

**HON. JEFFREY S. WHITE**  
United States District Judge

**STIPULATED:**

DATED:

/s/ Shana Keating  
**SHANA KEATING**  
Attorney for Defendant  
**JOHNNY LEE TAN**

DATED:

/s/ Steven Gruel  
**STEVEN GRUEL**  
Attorney for Defendant  
**NANCY PUA**

DATED:

**KYLE WALDINGER**  
Assistant United States Attorney

THE REQUEST FOR A CONTINUANCE IS DENIED AND THE PARTIES AND THEIR CLIENTS SHALL APPEAR AS SCHEDULED ON SEPTEMBER 28, 2006 AT 2:30 P.M.

September 27, 2006

Jeffrey S White